



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
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April 27, 2020

**BY ECF**

Honorable Judge Jesse Furman  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: Cindy Jimenez v. City of New York, et al.,  
19-CV-3242 (JMF)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, representing defendants City of New York, Department of Homeless Services (“DHS”) Sergeant Marc Ponce, and DHS Officer Che Alamo in the above-referenced matter. The parties write jointly to respectfully request a stay of discovery in this action, which is presently set to close on May 5, 2020, until after the mediation takes place on June 2, 2020, and further respectfully request at that time the opportunity to seek an extension of discovery, should it be necessary. This is the first request for a stay in this matter. Should the within request be granted, it will impact the deadlines to complete depositions and expert discovery, currently due by June 26, 2020.

By way of background, this case was designated to proceed in the Plan for Certain Section 1983 Cases Against the City of New York Pursuant to Local Rule 83.10. However, as the parties noted at the Initial Conference held on January 7, 2020, a mediator had not been assigned to this case and therefore mediation had not taken place prior to the Initial Conference. Accordingly, the parties indicated at that time that they were interested in attending mediation in an effort to resolve the case prior to the close of discovery, and thereafter a mediator was assigned. A discovery schedule was also issued at that time with fact discovery set to close on May 5, 2020, and depositions and expert discovery to close on June 26, 2020. (See Dkt. Entry No. 12).

Mediation was previously set to take place on March 10, 2020. (See Dkt. Entry dated April 1, 2020). However, the mediation was postponed due to medical-related issues involving the plaintiff. Shortly thereafter, the New York state-wide Shelter in Place Order was issued, and the parties tentatively agreed to reschedule the mediation for June 2, 2020. (See *Id.*). As such, the parties have not been able to conduct mediation during this time. Accordingly, the parties respectfully request a stay of discovery until June 2, 2020, so that the parties have an opportunity to try to resolve this matter at mediation before discovery closes.

Moreover, should the case not resolve at mediation, the parties respectfully request the opportunity to seek a discovery extension. To date, the parties have exchanged initial disclosures, and have submitted their initial requests for interrogatories and document requests. However, the Shelter in Place Order has caused significant delay in obtaining and disclosing relevant and discoverable documentation, and depositions have not yet taken place, at least in part due to the inability of the parties to conduct depositions in person during this time period. Accordingly, if the case does not resolve at mediation, it is likely that a discovery extension will be necessary.

For the foregoing reasons, the parties respectfully request discovery be stayed until the mediation presently scheduled for June 2, 2020, and further respectfully request at that time the opportunity to seek a discovery extension, should mediation be unsuccessful.

Thank you for your consideration herein.

Respectfully submitted,

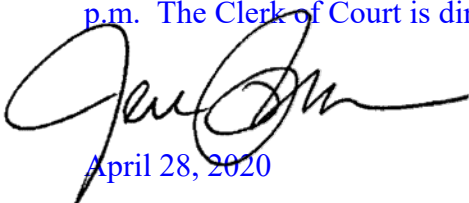
/s/ Adria Bonillas

Adria Bonillas

Assistant Corporation Counsel

cc: **Via ECF**  
Kevin Mosley, Esq.  
*Attorney for Plaintiff*

In lieu of a stay, the fact discovery deadline is extended to June 26, 2020, and the expert discovery deadline is extended to August 28, 2020. In light of that, the pretrial conference scheduled for May 12, 2020, is ADJOURNED to June 30, 2020, at 3:45 p.m. The Clerk of Court is directed to terminate ECF No. 14. SO ORDERED.



April 28, 2020